

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Jack T. Ward

v.

Civil No. 12-fp-483

State of New Hampshire

O R D E R

Petitioner Jack T. Ward has filed a "Motion to Stay" (doc. no. 1). In that motion, Ward seeks an extension of time in which to file a timely petition for a writ of habeas corpus.

In his motion, Ward asserts that the New Hampshire Supreme Court ("NHSC") affirmed his conviction on January 13, 2012. Ward indicates that he intends, in this action, to raise the issue decided by the NHSC. Additionally, Ward states that there are "several significant federal constitutional violation claims regarding the defendants [sic] 4th, 5th and 14th amendment rights in addition to New Hampshire State Constitution violation claims," that he seeks to exhaust in the state courts and then raise in this habeas action.¹ Aside from an assertion that he was denied a fair trial "as a result of the unreasonably and

¹The court notes that, generally, neither Fourth Amendment claims relating to search and seizure issues, nor state constitutional claims, are cognizable in a federal habeas action.

incompetently [sic] handling of his criminal case by his attorney," Ward does not elaborate on the claims he seeks to raise at this time.

The court construes the "Motion to Stay" (doc. no. 1) as a timely petition for a writ of habeas corpus. The clerk's office is directed to docket the pleading as such, and to issue the standard order directing Ward to pay the filing fee of \$5.00, or to file an application for in forma pauperis status. Upon receipt of the filing fee, or the granting of in forma pauperis status, the court will determine whether to stay the petition to allow Ward the opportunity to exhaust the federal constitutional claims he seeks to raise in this action.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

December 11, 2012

cc: Jack T. Ward, pro se

LBM:jba